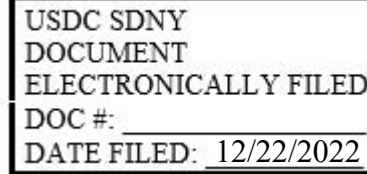


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Application of SCLIQUOR, LLC,

Applicant,

For an Order Granting Leave to Issue Subpoena
to 20 Gates Management, LLC a/k/a 20 Gates
Holding, LLC, for the Taking of a Deposition and
the Production of Documents.



22-MC-350 (RA) (BCM)

**ORDER AUTHORIZING
DISCOVERY**

Whereas, on December 8, 2022, SCLIQUOR, LLC (Applicant) filed an Application for Judicial Assistance to Obtain Evidence for Use in a Foreign Proceeding pursuant to 28 U.S.C. § 1782 (Application) (Dkt. 1); and

Whereas, the Application is supported by a Memorandum of Law (Dkt. 2) and the Declarations of Desiree Perez (Dkt. 3), Reed Brodsky (Dkt. 4), and Rod S. Attride-Sterling (Dkt. 5), together with the exhibits attached thereto; and

Whereas, on December 16, 2022, the matter was referred to me by the Hon. Ronnie Abrams, United States District Judge (Dkt. 19); and

Whereas, the Court has considered the Application and its supporting materials; and

Whereas, the Court finds that the statutory requirements of 28 U.S.C. § 1782 have been met, in that (1) the person from whom discovery is sought, 20 Gates Management, LLC a/k/a 20 Gates Holding, LLC (20 Gates), resides or is found in this District; (2) the discovery is for use in a proceeding before a foreign tribunal, specifically, an action against Bacardi Ltd. (Bacardi) in the civil courts of Bermuda, which action has not yet been commenced but is in "reasonable contemplation," *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 247 (2004); and (3) the Applicant is an interested person, in that the Applicant will be the claimant in the contemplated foreign proceeding, and has retained litigation counsel in Bermuda for that purpose, Perez Decl. ¶¶ 62-63; and

Whereas, the Court further finds that the balance of the discretionary factors set forth in *Intel*, 542 U.S. at 264-65, weigh in favor of permitting the discovery requested pursuant to 28 U.S.C. § 1782; and

Whereas, although the Application was filed *ex parte*, Empire Investments, Inc. (Empire), a subsidiary of Bacardi, has appeared as an interested party and will receive notice of this Order and any other activity in this action.

NOW THEREFOR, it is hereby ORDERED that:

1. The Application is GRANTED.
2. Applicant is authorized to seek the requested discovery from 20 Gates by serving it with a subpoena in the form attached to Brodsky Declaration as Exhibit 3.
3. All discovery taken pursuant to this Order, including any motions to enforce, quash, or modify the subpoena, will be governed by the Federal Rules of Civil Procedure, including Rule 45. For purposes of Rule 45(a)(4), Applicant shall serve the required notice and a copy of the subpoena upon Empire.
4. This Court will retain such jurisdiction as is necessary to determine any motions to enforce, quash, or modify the subpoena.

Dated: New York, New York
December 22, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge